

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

LAWRENCE ROBERSTON, SR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 3:22-cv-114
	)	
PAUL RUBENS and	)	
WERNER ENTERPRISES, INC.	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants, Paul Rubens and Werner Enterprises, Inc., by counsel, pursuant to the provisions of 28 U.S.C. §§1441(a) and 1446, hereby give notice of the removal of this cause of action from the Vanderburgh Superior Court to the United States District Court for the Southern District of Indiana, Evansville Division, and in support thereof, states:

1. On or about May 5, 2022, Plaintiffs filed a civil action against Defendants in the Vanderburgh Superior Court for the State of Indiana, under Cause No. 82D07-2205-CT-002000 and styled *Lawrence Robertson, Sr. v. Paul Rubens and Werner Enterprises, Inc.* A true and accurate copy of the State Court Record is attached hereto as a part of Exhibit “A”.

2. This litigation involves a motor vehicle accident which occurred on July 7, 2020. A true and accurate copy of Plaintiff’s Complaint is attached hereto as Exhibit “B”.

3. On or about May 12, 2022, Defendant Werner Enterprises, Inc. received service of process with regard to this litigation.

4. On or about July 25, 2022, Plaintiff’s counsel perfected service on Mr. Rubens.

5. Plaintiff Lawrence Robertson, Sr. is a resident and citizen of the State of Indiana.

6. Defendant Paul Rubens is a resident and citizen of the State of Florida.

7. Defendant Werner Enterprises, Inc. is a foreign corporation incorporated and organized under the laws of the State of Nebraska with its principal place of business in Omaha, Douglas County, Nebraska.

8. Based on the respective citizenship of the parties in this matter, complete diversity exists in this case.

9. Furthermore, Plaintiff's Complaint alleges that Plaintiff sustained personal injuries and damages, incurred medical expenses, and has experienced great pain and suffering, which damages will continue into the future. *See Complaint*; Ex. "B".

10. In addition, prior to suit being filed in this matter, counsel for Plaintiff issued pre-suit settlement demand in the amount of \$160,000 on behalf of Plaintiff.

11. Based on Plaintiff's settlement demand, Plaintiff's alleged injuries, and the allegations contained in Plaintiff's Complaint for Damages, it is clear that Plaintiff's claims well exceed the jurisdictional limit of \$75,000, exclusive of interest and costs.

12. Therefore, based on all of the foregoing, this action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332(a) and which is removable pursuant to the provisions of 28 U.S.C. §1441(a) and 28 U.S.C. §1446.

13. Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint is being filed contemporaneously with Defendants' Notice of Removal to federal court.

WHEREFORE, for the foregoing reasons, Defendants, Paul Rubens and Werner Enterprises, Inc., by counsel, respectfully request that the above-enumerated action, now

pending against Defendants in the Vanderburgh Superior Court, State of Indiana, be removed to the United States District Court for the Southern District of Indiana, Evansville Division, and for all other just and proper relief in the premises.

Respectfully submitted,

CRUSER, MITCHELL, NOVITZ, SANCHEZ,  
GASTON & ZIMET, LLP

/s/ Keith A. Gaston, Esq.  
Keith A. Gaston, Esq., #7069-49  
Bruce D. Jones, Esq., #28624-29  
Bradley M. Owen, Esq., #32711-32

*Counsel for Defendants,  
Paul Rubens and Werner Enterprises, Inc.*

3077 E. 98<sup>th</sup> Street, Suite 280  
Indianapolis, IN 46280  
Ph: (317) 816-0300  
Fax: (317) 816-1604  
kgaston@cmlawfirm.com  
bjones@cmlawfirm.com  
bowen@cmlawfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of August 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by U.S.

Mail, postage pre-paid:

Kaitlin T. Coons, Esq.  
ISAACS & ISAACS, P.S.C.  
1601 Business Center Court  
Louisville, KY 40299

/s/ Keith A. Gaston, Esq.